

Harry L. Bentley,
 Plaintiff/Petitioner
 v
 Warden James Veschevo, et al.
 Defendants

U. S. District Court
 Western Dist of PA
 CV 2004-363E
 Mag. J. Baxter

Motion to Reopen Pleadings Due to Mistake of Fact

And now, on Oct 6, 2005 comes the pro se petitioner to ask for reopening of the pleadings. Although he did file a change of address with the Court after he left prison on Dec 28, 04, it must have been displaced by someone.

Petitioner avers that he NEVER received nor knew about the 2/15/05 order until today after receiving the docket sheet from the Court. Had he received any instructions to co-operate with U.S. Marshals on service, he would have done so. Pet. checked on the matter in Jan 05 and early Feb, and he was under the distinct impression that nothing was done and nothing would be done.

Now, petitioner is again imprisoned for an alleged parole violation. Per implicit requirements, there must be a Sagron I hearing before being forced into a Sagron II hearing on Oct 13, 2005, but pet. is being denied this. (See 1640 W04 2004, Stall-smith v Com of Pa (Superior Court 2004). NO ONE will address the fact that there is NO sworn affidavit of criminal complaint ^{and no arrest warrant} required even for on site arrests per 14 D+C 2d 271, Powers and Duties of a Police Officer Concerning Arrests and Gorslem v Pugh, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54, 19 Fed R Serv 1499 (1975).